

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the Ramkota Hotel and Convention Center, 920 West Sioux Avenue Pierre, SD 57501 at 2:00pm on June 6, 2019, to consider adoption, amendment and repeal of Rules pertaining to:

1. 41:03:01:16. Restrictions on use of firearms, crossbows, and bows -- Exceptions.

Effect: The effect of the proposed rule would add air guns into the types of weapons regulated by this rule. Furthermore, the rule change would allow greater flexibility of uncased weapons and use of listed weapons within the state park system. The rule change would also effect use of certain weapons in the Newton Hills State Park, LaFramboise Island Nature Area, and Farm Island Recreation Area.

Reason: The state park system has numerous opportunities to incorporate the use of firearms and other weapons into daily park use without interfering with other park users. The change would allow for these additional uses.

2. 41:03:01:16.02. Restrictions on use or possession of firearms on lake and fishing access areas and game production areas -- Exceptions.

Effect: The proposed change would correct nomenclature used for several designated management units.

Reason: Over the years the nomenclature for management units has changed both for state and federally managed lands. This would update that language to remain consistent with those changes.

3. 41:03:01:16.03. Discharge of firearms and bows on George S. Mickelson Trail prohibited.

Effect: The proposed change would add air guns and crossbows to the list of weapons that cannot be discharged across the George S. Mickelson Trail right-of-way.

Reason: For safety purposes, the rule change is necessary ensure uniform compliance of how weapons are treated on the Mickelson Trail.

4. 41:03:01:16.04. Nontoxic shot areas for target shooting -- Exceptions.

Effect: The proposed change would correct nomenclature used for several designated management units.

Reason: Over the years the nomenclature for management units has changed both for state and federally managed lands. This would update that language to remain consistent with those changes.

5. 41:03:01:16.05. Restrictions on use or possession of centerfire rifles on lake and fishing access areas and game production areas.

Effect: The proposed change would correct nomenclature used for a designated management unit.

Reason: Over the years the nomenclature for management units has changed both for state and federally managed lands. This would update that language to remain consistent with those changes.

6. 41:03:01:17. Airguns and slingshots prohibited.

Effect: The propose change would allow for the use of air guns in the state park system if it meets the muzzle velocity requirements laid out in administrative rule.

Reason: The allowance of air guns in the state park system would allow hunters an additional opportunity to harvest small game without impacting the use of other users of the park system.

7. 41:04:02:51. Pennington County public water safety zones.

Effect: The proposed rule change would alter the “no wake zone” in the waters of Deerfield Reservoir.

Reason: The current “no wake zone” does not allow for a realistic opportunity for a fisherman to traverse the entire lake given the size of the reservoir.

8. 41:06:22:01. Archery deer hunting season established -- Number and type of licenses -- Access permits.

Effect: The rule change would limit the number of access permits for residents and nonresidents in certain limited access units.

Reason: There is concern that public lands are being over crowded by certain archery hunters and this proposal would aim at curbing some of the overcrowding by limiting the number of licenses in the more crowded locations.

9. 41:06:22:01.01. New Rule – Nonresident restrictions.

Effect: The proposed rule would establish a start date for nonresident archery deer hunters. The change would also create an application deadline for nonresident archery deer hunters.

Reason: There is concern that public lands are being over crowded by certain archery hunters and this proposal would aim at curbing some of the overcrowding by staggering start dates and creating an application deadline in the more crowded locations.

10. 41:06:56:09. Application deadline. (Bighorn Sheep Auction Tag)

Effect: The proposed change would alter the deadline for an organization to submit an application letter for the opportunity to auction a Bighorn Sheep tag.

Reason: The Commission wishes to have flexibility to adjust the application deadline for the organizations applying depending on the circumstances and process of auctioning a bighorn sheep tag. This change would allow the Commission to set the application deadline.

11. 41:07:06:03. Areas open to spearing of game fish.

Effect: The proposed change would remove the allowance of smallmouth and largemouth bass to be harvested from Pactola Reservoir by means of spearing or bow.

Reason: Some believe the population of smallmouth and largemouth bass is dwindling in the reservoir and the proposed change may support the regrowth of the population.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or by going to the GFP website at <http://gfp.sd.gov/forms/positions>. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks 72 hours prior to the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the hearing should

submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 13th day of May, 2019.



Kelly R Hepler

Kelly R. Hepler, Secretary

This Notice of Public Hearing is published at the approximate cost of \$_____.